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FAX NO.

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FAX NO. 785 494 0239

P. 02

BARNES & THORNBURG

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1642
Confirmation No.: 5816
Application No.: 09/822,379
Invention: Method of Treatment Using
Ligand-Immunogen Conjugates
Applicant: Low et al.
Filed: March 30, 2001
Attorney Docket: 3220-67883
Examiner: Karen A. Canella

Certificate Under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being
deposited with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to Commissioner for Patents, P. O. Box
1450, Alexandria, VA 22313-1450

on April 26, 2005

Rebecca Ball
(Signature)

Rebecca L. Ball
(Printed Name)

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We, Philip S. Low and Yingjuan Lu, citizens of the United States of America and
China, respectively, and both residents of West Lafayette, Indiana, do declare and say that:

We are the named inventors on the captioned application for patent filed on March
30, 2001. The captioned application claims priority to U.S. Patent Application No. 60/193,944,
filed on March 31, 2000 and to U.S. Patent Application No. 60/255,846, filed on December 15,
2000. We understand that the Examiner has rejected claims 43, 45, 46, and 50-52 of the
application under 35 U.S.C. § 103(a) over Cowan (WO 01/32207) in combination with other
references. Cowan was published on May 10, 2001 and has an International Filing Date of
January 19, 2000.

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The invention described and claimed in the captioned application was conceived and reduced to practice in this country prior to January 19, 2000.

The invention described and claimed in the captioned application comprises methods and compositions for enhancing an endogenous immune response-mediated elimination of a population of cancer cells comprising administering a composition comprising an immunogen conjugated to a folate receptor-binding ligand and a compound capable of stimulating an endogenous immune response wherein the compound does not bind to the conjugate.

Exhibit A is a copy of a figure that contains the same data as is shown in Fig. 1 of the patent application except that for Fig. 1 in the patent application the assay was extended for a longer period of time (i.e., to about 65 days post tumor implantation). The assay from which the data shown in Exhibit A was obtained was performed in the laboratory of Philip S. Low, one of the named inventors, by Yinguan Lu, the other named inventor on the captioned application. The date that the assay depicted in Exhibit A was completed is shown on Exhibit A, but that date has been redacted. The redacted date is earlier than January 19, 2000.

The data in the figure shown in Exhibit A was obtained from an assay in which mice were treated with folate-immunogen conjugates in combination with cytotoxins. Accordingly, the claimed invention was conceived and reduced to practice in the United States prior to January 19, 2000.

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I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon.

Dated:

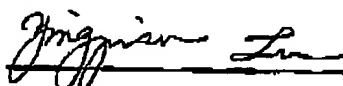
By:

 26 April 2005

Philip S. Low, Ph.D.

Dated:

By:

 26 April 2005

Yingjuan Lu, Ph.D.

ENCLOSURE

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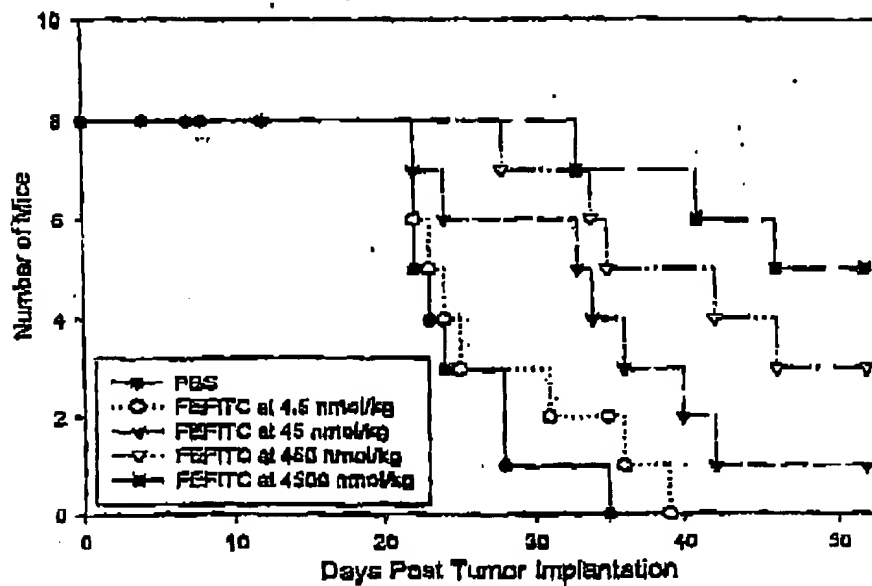
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Fig. 2



*All mice were implanted with i.p. M109 tumors and treated with same doses of IL-2 at a schedule of qd x 5

EXHIBIT 2
to 1.231 Declaration